



Docket No. 49339-C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Minard et al.
SERIAL NO.: 10/762,998 GROUP: 1616
FILED: January 22, 2004 EXAMINER: N. Levy
FOR: SYSTEMS AND METHODS FOR FACILITATED FEED
SUPPLEMENTATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

I, Paal Gisholt, declare as follows:

1. I am a co-inventor on the above-identified patent application (referred to below as "the patent application"). I am a founder and current Chief Executive Officer of SmartPak Equine, L.L.C., the assignee of the patent application. I received a Bachelor's degree from Dartmouth College and a Master's of Business Administration from the Harvard University Business School.

2. I have reviewed the Office Action (referred to below as "the Office Action") dated September 13, 2006 issued by the U.S. Patent and Trademark Office in connection with the patent application. I understand that claims of the patent application are rejected over certain documents, namely Great Britain Patent Specification 1474931, Merck Veterinary Manual 1967, Magnant et al. (U.S. Patent 5787839) and Pedigree (label).

3. I strongly disagree with those rejections set forth in the Office Action. None of those documents disclose the system recited in the patent application, including "adding to one

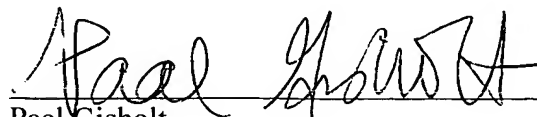
or more package sections one or more edible feed materials that have been selected for the specified dog” as recited in the claims of the patent application.

4. Such customized packaging and administration for a specified dog is a clearly unique and is not disclosed in any of the documents cited in the Office Action, or any other prior documents of which I am aware.

5. SmartPak Equine, L.L.C. has enjoyed significant success in providing its commercial program for dogs. Currently, more than 700 dogs are paid subscribers to receive feed materials daily under the SmartPak program. This SmartPak program corresponds to claims of the patent application, i.e. where feed materials are administered to a specified dog by steps that comprise providing a multiple-sectioned unitary package, the package comprising a plurality of package sections; adding to one or more package sections one or more edible feed materials that have been selected for the specified dog, the one or more package sections containing the one or more feed materials in an amount of within about 15 weight percent or less of a specified amount, the one or more feeds materials chosen from among one or more of feed, vitamins, minerals, chemical entities, electrolytes, proteins, and herbs; and administering the feed materials of the package to the dog.

6. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing therein.

Date: 3/8/07


Paal Gisholt